

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-2 and 4-18 remain pending in the application. Claims 1, 4 and 15-18 have been amended and claims 3 and 19-21 have been cancelled.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract has been amended as suggested by the Examiner. Therefore, this objection should be withdrawn.

The disclosure is objected to because of the noted informalities. The disclosure has been amended as suggested by the Examiner. Therefore, this objection should be withdrawn.

Claims 7 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in claim 7, the term "predetermined form" refers to a plate made from a flexible material having a predetermined form. Some flexible materials could be an undetermined form. Applicant believes this terminology to be definite. Specifically, claims 15-18 refer to the relative accelerations and the wording has been amended to make the claims clear. Accordingly, the rejection should be withdrawn.

Claims 1, 20 and 21 are objected to because of the noted informalities. Claim 1 has been amended and claims 20 and 21 have been cancelled. Therefore, this objection should be withdrawn.

Claims 1, 2, 9-12 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Troedsson et al. (4,196,264). In response, the limitations of claim 3 have been incorporated into claim 1 so this rejection has been overcome. Accordingly, this rejection should be withdrawn.

Claims 3, 5, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troedsson et al. as applied to claim 1 and further in view of Snyder (4,6999,854). Applicant respectfully traverses this rejection.

There are two problems with this obviousness rejection. First, the Examiner attempts to combine Troedsson et al. and Snyder without any teaching or suggestion in either reference for

making this combination. Second, the Examiner has not shown where the “means to release the ampoule at the said predetermined acceleration” is disclosed in the reference as required by Section 112, 6<sup>th</sup> paragraph, because these means are not disclosed in Snyder. Accordingly, this rejection should be withdrawn.

Claims 4, 6 and 17 are rejected under 35 U.S.C. 103(a) as being anticipated over Troedsson et al. as applied in claim 1 and further in view of Snyder and further in view of Rudenauer et al. (6,673,486). Applicant respectfully traverses this rejection.

Rudenauer et al. does not overcome the deficiencies discussed above with respect to Troedsson et al. and Snyder. Claims 4, 6 and 17 are dependent directly or indirectly on claim 1. Accordingly, this rejection should be withdrawn.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troedsson et al. and further in view of Rudenauer et al. Applicant respectfully traverses this rejection.

Rudenauer et al. does not overcome the deficiencies discussed above with respect to Troedsson et al. Claims 7 and 8 are dependent directly or indirectly on claim 1. Accordingly, this rejection should be withdrawn.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troedsson et al. and further in view of Babai et al. (4,499,160). Applicant respectfully traverses this rejection.

Babai et al. does not overcome the deficiencies discussed above with respect to Troedsson et al. Claims 13 and 14 are dependent on claim 1. Accordingly, this rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**

*Kenneth M. Berner*

Kenneth M. Berner  
Registration No. 37,093

Customer Number: 33308  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: June 8, 2006  
KMB/jd